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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,221	03/14/2001	Samuel Wong	14098	2812

7590

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicant(s)

09/808,221

Applicant(s)

WONG ET AL.

Examiner

Ruth C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Beasley et al. (US 4,239,271).

An anchoring apparatus comprises a flexible connector member (10) and a fastener (18). The flexible connector member has an end (14) and a loop (Figs. 1-5). The loop defines an aperture that is capable of being configured to receive and retain an anchor bolt (Figs. 1-5). The loop configured with a twist throughout a body (26,30) of the loop (46) (Figs. 1-5). The fastener secures the end of the connector member and retains the twist in the loop (Figs. 1-5).

The connecting member disclosed by Beasley comprises a fabric material (Figs. 1-5).

Beasley discloses that the fastener comprises stitches (18) (Figs. 1-5).

The loop disclosed by Beasley is configured with a plurality of twists (Figs. 1-5). The fastener is disposed to secure the end and retain the twists in the loop (Figs. 1-5).

3. Claims 1-4 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Frantom (US 4,315,637).

An anchoring apparatus comprises a flexible connector member (16)) and a fastener (C. 2, L. 22-27). The flexible connector member attaches to a vehicle safety device (50) and to an anchor bolt (contained within the retractor 66). The flexible connector member has an end (14) and a loop (12). The loop defines an aperture (Figs. 1, 2 and 4). The loop configured with a twist throughout a body (between 14 and 12) of the loop (C. 2, L. 27-32 and Figs. 1 and 2). The fastener secures the end to the connector member and retains the twist in the loop (Fig. 1).

Frantom also discloses that:

The connecting member comprises a fabric material (C. 2, L. 19-22 and Figs. 1, 2 and 4).

The fastener comprises stitches (C. 2, L. 22-27 and Fig. 1).

The vehicle safety device is a seat belt harness (50) (Fig. 4).

The loop is configured with a plurality of twists and the fastener is disposed to secure the end and retain the twist in the loop (Fig. 1)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greib et al. (US 6,390,501 B1) in view of Beasley.

Greib discloses a method for making an anchoring apparatus (30) and attaching the apparatus to a vehicle safety device (20,20') and to an anchor bolt (32). The method comprises: (a) providing a flexible connector member (30) having an end (Figs. 2-4B, 7 and 8); (b) forming a loop (33) in the connector member (Figs. 2-4B, 7 and 8); (d) securing the end to the connector member to retain the loop and to define an aperture to receive and retain the anchor bolt (Fig. 3); (e) engaging the aperture with the anchor bolt (Fig. 3); and attaching the connector member to the vehicle safety device (C. 11, L. 23-29 and Figs. 4A, 4B, 7 and 8). Greib fails to disclose that a twist is formed in the loop and that securing the end of the connector member retains the twist in the loop. However, Beasley teaches a method for making an anchoring apparatus comprising the steps of: (a) providing a flexible connector member (10) having an end (14); (b) forming a loop in the connector member (Figs. 1-5); (c) forming a twist in the loop (C. 2, L. 36-42 and Figs. 1-5); and securing the end to the connector member to retain the twist in the loop and to define an aperture (Figs. 1-5). The twist creates a region of reduced width and increased thickness that is protected by a cover to provide improved strength and resist wear (C. 2, L. 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the anchoring apparatus taught by Beasley for the method disclosed by Greib.

Doing so, will provide a loop with improve strength that will resist wear thereby assuring proper retention of the vehicle safety device.

Beasley teaches that the method of making the anchoring apparatus further comprises forming a plurality of twists in the loop and the step of securing the end further includes retaining the twists in the loop (Figs. 1-5).

The connector member disclosed by Greib comprises a fabric material (C. 6, L. 39-43).

Greib also discloses that securing the end comprises stitching the end to the connector member (Fig. 3).

Greib discloses an anchoring apparatus (30) attaches to a vehicle safety device (20,20') to an anchor bolt (32). The anchoring apparatus comprises a flexible connector member (30) attached to the vehicle safety device and to the anchor bolt (Figs. 2-4B, 7 and 8) and a fastener (stitches in Fig. 3). The flexible connector member has an end and a loop (33). The loop defines an aperture receiving and retaining the anchor bolt. The fastener secures the end of the connector member and retains the loop. Greib fails to disclose that the loop if configured with a twist and that the fastener also retains the twist in the loop. However, Beasley as mentioned above in paragraph 2 teaches an anchoring apparatus having all the feature mentioned for claim 1. The twist creates a region of reduced width and increased thickness that is protected by a cover to provide improved strength and resist wear (C. 2, L. 1-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the anchoring apparatus taught by Beasley for attaching a vehicle safety device to

an anchor bolt as disclosed by Greib. Doing so, will provide a loop with improve strength that will resist wear thereby assuring proper retention of the vehicle safety device.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-8, 19 and 20 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's arguments filed 26 October 2003 have been fully considered but they are not persuasive.

8. The applicant argues that Beasley fails to have a twist throughout the body of the loop. This argument fails to persuade. The claim recites "a twist throughout a body of the loop". The claim fails to disclose any limitation restricting the term "a body" to the entire loop. As a result, "a body" can be considered any of the two twisted areas 26 or 30 of the connector member and the limitation of the claim is met because the twist extends throughout a body of the loop. With respect to the failure of Beasley to disclose an anchor bolt, the language included in the claim for this limitation is "configure to receive and retain the anchor bolt,..." This limitation is considered an intended use limitation. It has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex*

*parte Masham*, 2 USPQ2d 1647 (1987). The other newly added limitation of the claim is also considered an intended use limitation.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McC. Garris (US 2,082,828), St. Germain (US 4,240,659), Beggins (US 4,414,712), Parsons (US 5,339,498), Sedlack (US 5,536,066) and Kerg et al. (US 6,301,753 B1) are cited to show state of the art with respect to anchoring apparatus having some of the features of the current application.




Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (703) 308-1881. The examiner can normally be reached on M-F 07:15 - 15:45. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (703) 306-4115.

Submissions of your responses by facsimile transmission are encouraged. Technology center 3600's facsimile number for before and after final communications is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RCR  
rcr  
December 23, 2003

Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

  
James R. Brittain  
Primary Examiner